

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>STEWART SMITH,</b>	:	<b>CIVIL NO. 1:17-CV-2264</b>
	:	
<b>Petitioner</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>LAUREL HARRY, et al.,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 14th day of May, 2018, upon consideration of petitioner's motion (Doc. 22) for default judgment, or for judgment on the pleadings, wherein petitioner seeks a default judgment against defendants based on their alleged meritless response to the habeas petition, and because respondents timely filed an answer and memorandum of law (Docs. 17, 18)<sup>1</sup>, it is hereby ORDERED that the motion (Doc. 22) is DENIED.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> Rule 55 of the Federal Rules of Civil Procedure provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Petitioner acknowledges that “Respondent[s’] appeared but failed to assert a litigable defense.” (Doc. 22 at 3).